



3622
CPC

Attorney Docket No.: PATENT
DERN-00101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Howard Dernehl

Serial No.: 09/635,994

Filed: August 9, 2000

For: **WEB BASED REFERRALS WITH
REWARD INCENTIVE**

) Group Art Unit: 3622

) Examiner: Raquel Alvarez

) **TRANSMITTAL LETTER**

) 162 North Wolfe Road

) Sunnyvale, California 94086

) (408) 530-9700

) Customer Number 28960

MS: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed please find an affidavit under 37 CFR § 1.105 and § 1.132 in response to office action mailed April 11, 2005 signed by Co-Inventor Howard Dernehl and an affidavit signed by Thomas B. Haverstock for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: April 29, 2005

By: Thomas B. Haverstock
Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.
Date: 4/29/05 By: [Signature]



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Howard Dernehl, et al.

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WITH REWARD INCENTIVE**

Group Art Unit: 3622

Examiner: Raquel Alvarez

**AFFIDAVIT UNDER 37 CFR § 1.105 IN
RESPONSE TO OFFICE ACTION
MAILED APRIL 11, 2005**

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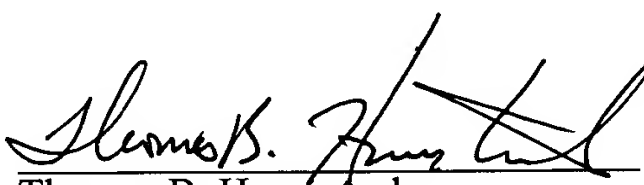
I, Thomas B. Haverstock, am a patent attorney representing the Applicants in the above-captioned patent application.

1. The Applicants have filed a patent application, U.S. Patent Application Serial No. 09/635,994 entitled "WEB BASED REFERRALS WITH REWARD INCENTIVE."
2. I have reviewed the Office Action mailed April 11, 2005 (hereinafter "Office Action"). The Office Action states that under 37 CFR § 1.105, dates are required for two IDS (Information Disclosure Statement) articles (hereinafter "IDS articles") entitled "Generating and Harvesting Goodwill by Enhancing Word-of-Mouth Marketing" and "Harvesting Goodwill through Relationship Referral Marketing."
3. In response to the Office Action, I declare that on November 6, 2003, I attended a telephone conference with Examiner John L. Young and one of the Applicants, Howard Dernehl. During that conference, Examiner Young requested Mr. Dernehl to provide secondary evidence of the novelty of the present invention, such as marketing brochures. Mr. Dernehl is a co-inventor of the present application, as well as the CEO and founder of r-coupon.com, the assignee of the present application.

4. In answer to Examiner Young's telephone request, the Applicants submitted two IDS articles to Examiner Young as marketing brochures representing secondary evidence of the novelty of the present invention, as stated on page 14 of Applicants' Request for Reconsideration and Response to Office Action Mailed August 25, 2003.
5. The two IDS articles at issue are not prior art references, but rather marketing brochures of r-coupon.com, the assignee of the present application. The IDS articles describe how the program described in the present invention is used. Both these IDS articles were prepared nearly four years **after** the priority date of the present application.
6. With both the supplemental IDS mailed June 3, 2004, listing the two brochures as two IDS articles, and this affidavit submitted under 37 CFR § 1.105 having been filed, I respectfully request that the Examiner consider the above-mentioned two IDS articles as secondary evidence of the novelty of the present invention.


I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent that issues from it.

4-29-05
Date

By: 
Thomas B. Haverstock
Reg No.: 32,571
Attorney for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.
Date: 4/29/05 By: 



PATENT
Attorney Docket No.: DERN-00101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Howard Dernehl, et al.
Serial No.: 09/635,994
Filed: August 9, 2000
For: **WEB BASED REFERRALS
WITH REWARD INCENTIVE**

Group Art Unit: 3622
Examiner: Raquel Alvarez

**AFFIDAVIT UNDER 37 CFR § 1.105
AND ALSO UNDER 37 CFR § 1.132 IN
RESPONSE TO OFFICE ACTION
MAILED APRIL 11, 2005**

162 North Wolfe Road
Sunnyvale, CA 94086
(408) 530-9700

Customer No. 28960

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Howard Dernehl, reside at 723 Oregon Avenue, Palo Alto, California 94303 and am a co-inventor of the subject matter claimed in the above-entitled application. I am also the CEO and the founder of the r-coupon.com, the assignee of the above-entitled application. I state the following:

1. The Applicants have filed a patent application, U.S. Patent Application Serial No. 09/635,994 entitled "WEB BASED REFERRALS WITH REWARD INCENTIVE."
2. I have reviewed the Office Action mailed April 11, 2005 (hereinafter "Office Action"). The Office Action states that under 37 CFR § 1.105, dates are required for two IDS (Information Disclosure Statement) articles (hereinafter "IDS articles") entitled "Generating and Harvesting Goodwill by Enhancing Word-of-Mouth Marketing" and "Harvesting Goodwill through Relationship Referral Marketing." The date of "Generating and Harvesting Goodwill by Enhancing Word-of-Mouth Marketing" is in June 2003. The date of "Harvesting Goodwill through Relationship Referral Marketing" is in July 2003. Both these articles were prepared nearly four years after the priority date of the present application.
3. In response to the Office Action, I declare that the above-mentioned two IDS articles are

marketing brochures of r-coupon.com, the assignee of the above-entitled application. I have personal knowledge of this fact, as I am both the CEO and the founder of r-coupon.com, and in that capacity, I oversee the marketing aspects of r-coupon.com, which includes the production of two marketing brochures which are now the two IDS articles at issue. Hence, the above-mentioned two IDS articles are not prior art references, but rather marketing brochures describing the subject matter disclosed in the present invention. I further declare that the two IDS articles were written following the conception and reduction to practice of the present invention.

4. The two IDS articles at issue were previously requested by Examiner John Young during a telephone conference on November 6, 2003, which was attended by Examiner Young, myself, and my attorneys. In answer to Examiner Young's request, the IDS articles were presented to Examiner Young as marketing brochures representing secondary evidence of the novelty of the present invention, as stated on page 14 of Applicants' Request for Reconsideration and Response to Office Action Mailed August 25, 2003.
5. In response to Applicants' Request for Reconsideration and Response to Office Action Mailed August 25, 2003, Examiner Young entered the two brochures cited above but did not consider them, on the basis that the brochures were not submitted in an IDS nor submitted with and discussed in a 37 CFR § 1.132 Affidavit, as stated on page 10 of the Office Action mailed February 10, 2004.
6. A supplemental IDS was mailed June 3, 2004, listing the two IDS articles noted above.
7. With both the supplemental IDS mailed June 3, 2004, listing the two brochures as two IDS articles, and this affidavit submitted under 37 CFR § 1.105 and § 1.132 having been filed, I respectfully request that the Examiner consider the above-mentioned two IDS articles as secondary evidence of the novelty of the present invention.

8. The Office Action further includes a request for a written manual for r-coupon.com, but no such written manual exists.

I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent that issues from it.

Date

By:

Howard J. Dernehl
Howard Dernehl
Co-Inventor

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HAVERSTOCK & OWENS LLP.

Date: 4/29/05

By: [Signature]